

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

NANCY MARTIN, <i>et. al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:05-cv-1172-MEF
	)	
CITY OF DOTHAN, <i>et. al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This cause is before the Court on Plaintiffs' Motions to Strike the City of Dothan Police Department as a Party Defendant (Docs. # 11 & 14). Rule 41 of the Federal Rules of Civil Procedure provides that "an action may be dismissed by the plaintiff without order of court . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment." Fed. R. Civ. P. 41(a)(1). Defendant City of Dothan Police Department has neither filed an answer nor a motion for summary judgment in this action. Therefore, it is hereby ORDERED that the motions are GRANTED.<sup>1</sup> Defendant City of Dothan Police Department is DISMISSED from this action without prejudice.

DONE this the 12<sup>th</sup> day of January, 2006.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Rule 41 permits dismissal "without order of court" and thus the Court need not order dismissal of this Defendant, but because Plaintiffs styled their filings as motions, for the sake of clarity, the Court is ordering that they be granted.